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AN INTRODUCTION TO THE HISTORY OF THE CONSTITUTION. By MORRIS M. COHN. Baltimore: Johns Hopkins Press, 1892.

Mr. COHN tells us in his preface that the scope of his work "embraces the presentation of what may tend to produce a better understanding of all that is implied in the existence of the Government of the United States of North America." How this is to be accomplished is somewhat obscure from the rest of the preface. This obscurity follows us through the work. Mr. COHN has given us many facts which undoubtedly tend to make one who knows them understand what is meant by the Government of the United States, but he has failed to set them forth in any logical sequence or definite arrangement. Perhaps it is not fair to the author to mention the principal defect of the work before setting forth its arrangement in detail, but the lack of clearness impresses one from the first, and spoils much which, with a little more care in working out ideas, would have been of absorbing interest and of great value.

In spite of this fault the book, for its suggestiveness, is well worth careful reading. The opening chapter deals with the question of law and sovereignty. It is, perhaps, the best in the book. The author takes the position that what the people obey as law is the law, and that they obey or do what the past history of their race and present environment lead them to do; that laws are a growth and a development springing from the life of the people as it is, and that to rightly understand the factors which have produced the customs, feelings and institutions which make law, we must have a knowledge of history.

We are in sympathy with this conception of law, if we have interpreted that conception aright, and with the method of studying the legal principles indicated.

In pursuance of his scheme the author first deals with "The Physical and Social Factors of Law;" then of "Evidence of Physical and Social Factors;" then of "Evidence of Physical and Social Factors in Constitutional Law;" and finally of "Physical and Social Growth in the United States Constitution." There is much that is excellent in this arrangement, though we fail to understand why, in an introduction to "Constitutional Law," the author should have seen fit to give us a *resumé* of the growth of all law, instead of confining himself to the growth of the feeling of responsibility of the government to the governed, which is the germ out of which constitutional law springs. However, the reader will not quarrel with the author if he has done more than his title promises. He cannot help feeling disappointed, however, when he finds that Mr. COHN has not given him in the subsequent chapters any exhaustive history of the growth of the feeling that "government was not a personal matter," which culminated in our Constitution, but has rather given a review of instances which illustrate the effect of physical and social factors on all law. Now, we doubt very much whether the time has come for such a review. Outline reviews can reach a high standard of excellence only after we have a thorough, minute knowledge of the facts whose history is sketched. We have always doubted, and the reading of Mr. COHN'S work has but served to strengthen that doubt, whether we know the history of development of institutions as they affect the

development of law well enough to enable one man, or set of men, to grasp in outline the history of law. The valuable books of the present day must, we believe, be those which confine themselves to some one legal institution, or one branch of the law, and show after exhaustive original research its development. Mr. COHN, it seems to us, has demonstrated that what he has attempted to do cannot be satisfactorily accomplished in the present state of our knowledge, and certainly not within the compass of a volume of 250 pages, because an outlined sketch of legal development at the present day would necessitate much original work. Mr. COHN has evidently read with great care, as his citations show, all books published bearing on the subject. But while many of his suggestions are to us interesting he has evidently not carried on any original research. This fact, however, does not prevent him from expressing what may prove to be correct opinions on many subjects. In one instance, where he maintains that consideration was as essential to a contract under the Roman law as under the common law, he differs with one of the greatest authorities in legal history, Judge HARE. The value of Mr. COHN'S opinion we are left to surmise, as no authority is cited for its correctness, and there is no criticism of the numerous authorities which Judge HARE has marshaled in support of his own opinion.

The book must be relegated to that class of works which are interesting, suggestive and stimulating to farther research, but do not themselves add greatly to human knowledge. However, the very novelty of the undertaking, and the great field for future scholars, which the historical method of studying jurisprudence opens before us, commands the attention. Even if we consider that he has mistaken the scope of the work on legal development, we cannot but feel gratified that an American lawyer has so far been willing to cease worshipping the god of the "practical" as to look at the study of the law as the study of the development of man and his institutions. In closing this notice, we cannot refrain from expressing the hope that the profession in the United States will demand more and more works of this character, which deal or attempt to deal with principles and their development irrespective of whether they may or may not be useful as a convenient digest of cases.

W. D. L.

BENJAMIN'S TREATISE ON THE LAW OF SALES OF PERSONAL PROPERTY, with reference to the American Decisions and to the French Code and Civil Law. Sixth American edition, from the latest English edition. With American notes by EDMUND H. and SAMUEL C. BENNETT. Houghton, Mifflin & Company, The Riverside Press, Cambridge, 1892.

There is no text-book in the English language better known to the student and practicing lawyer than the great work of Mr. BENJAMIN. The rapidity with which each new edition is exhausted shows that the work is as necessary to-day as it was when it left the author's hands. The American editors, in the edition before us, seem to have done their work well. There is a full, though not complete, citation of cases. Yet